

Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
E-mail: philjberg@gmail.com

Attorney in pro se and for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**PLAINTIFFS EVIDENTARY
OBJECTIONS TO DEFENDANT
ONLY TAITZ'S DECLARATION
AND NOTICE TO THE COURT OF
DEFENDANT'S FILING OF AN
ALTERED/FORGED DOCUMENT
AS GENUINE**

Date of Hearing: June 13, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

**PLAINTIFFS EVIDENTARY OBJECTIONS TO
DEFENDANT ONLY TAITZ'S DECLARATION and
NOTICE TO THE COURT OF DEFENDANT'S FILING of
an ALTERED/FORGED DOCUMENT AS GENUINE**

Plaintiffs, Philip J. Berg, Esquire [hereinafter at times "Berg"]; Lisa Ostella [hereinafter at times "Ostella"]; Go Excel Global; Lisa Liberi [hereinafter at times "Liberi"]; and The Law Offices of Philip J. Berg by and through their undersigned

1 counsel, Philip J. Berg, Esquire, Objects pursuant to the Federal Rules of Evidence
2 103, to the Declaration of Orly Taitz and the Exhibits thereto filed May 26, 2011,
3
4 appearing as Docket Entry No. ["Dkt No."] 207, in support of her Anti-SLAPP and
5 Motion to Dismiss.

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7 Plaintiffs are also notifying this Court of the altered/forged document, as
8 genuine, filed by Defendant Orly Taitz's with **her** Declaration as **Exhibit "4"**.

9 **A. PLAINTIFF'S OBJECTIONS TO DEFENDANT ORLY TAITZ'S**
10
11 **DECLARATION, DOCKET NO. 207**

12 a. Plaintiffs OBJECT to Paragraph 2, lines 10-15 on the grounds there is
13 **no** foundation, and Defendant, Orly Taitz's litigation against President Obama and
14 the reasons thereto are irrelevant and immaterial. *See* Federal Rules of Evidence
15 ["*Fed. R. Evid.*"] 401 and 402.

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17 b. Plaintiffs OBJECT to Paragraph 3 in its entirety on the grounds it is
18 misleading, lacks foundation, immaterial, irrelevant, is an improper
19 characterization, infers Orly Taitz and Plaintiff Philip J. Berg, Esquire worked
20 together, which they **never** did and it is irrelevant. *See Fed. R. Evid.* 401 and 402.

21
22 c. Plaintiffs OBJECT to Paragraph 4 in its entirety on the grounds it is
23 irrelevant and immaterial to the within litigation and irrelevant to Defendant Orly
24 Taitz Anti-SLAPP Motion and Motion to Dismiss. *See Fed. R. Evid.* 401 and 402.
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1 d. Plaintiffs OBJECT to Paragraph 5 in its entirety and Exhibit “3” as
2 they are irrelevant and immaterial to the within litigation and irrelevant to
3 Defendants Orly Taitz Anti-SLAPP Motion and Motion to Dismiss. *See Fed. R.*
4 *Evid.* 401 and 402.

6 e. Plaintiffs OBJECT to Paragraph 6 in its entirety, as it is ambiguous,
7 misleading, misstates facts, assumes facts **not** in evidence and lack of competent
8 evidence. Plaintiff Lisa Ostella did **not** approach Defendant Orly Taitz and did **not**
9 support Defendant Taitz’s litigation regarding President Obama. Instead, Plaintiff
10 Ostella was sought out by Defendant Orly Taitz through a third party. Plaintiff
11 Ostella was falsely lead to believe Defendant Taitz was looking into the violations
12 of the Hava Act. Plaintiff Ostella was **not** supporting Defendant Taitz foundation,
13 as it did **not** exist at the time Plaintiff Ostella and Defendant Taitz were introduced
14 and Plaintiff Ostella was asked to assist with Defendant Orly Taitz’s website.

15 f. Plaintiffs OBJECT to Paragraph 7 in its entirety as it is ambiguous,
16 misleading, is an improper opinion, assumes facts **not** in evidence and is **not**
17 supported by competent evidence. Plaintiff Ostella did **not** register the domain
18 names ‘defendourfreedoms’ on behalf of Defendant Taitz’s foundation as
19 Defendant Taitz created, registered and incorporated her company, Defend our
20 Freedoms Foundations, Inc., **after** Plaintiff Ostella had purchased and registered
21 the ‘defendourfreedoms’ domain names.

1 g. Plaintiffs OBJECT to Paragraph 8, line 10, as it is ambiguous,
2 misleading, assumes facts **not** in evidence, improper characterization, misstates
3 facts, improper opinion, and lacks competent evidence to support the misleading
4 statement. ‘Defendourfreedoms’ is **not** a trade name and was **not** a trade name at
5 the time Plaintiff Ostella purchased the ‘defendourfreedoms’ domain names.
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7
8 h. Plaintiffs OBJECT to Paragraph 8, lines 11-14 beginning with
9 “Ostella refused...” as it is ambiguous, misleading, improper opinion, misquotes
10 Plaintiff Ostella, assumes facts **not** in evidence, lack of personal knowledge and
11 lacks competent evidence to support. Plaintiff Ostella did **not** refuse to give
12 Defendant Taitz full control of the domain names on the basis that Plaintiff Ostella
13 was to maintain full control as webmaster. The ‘defendourfreedoms’ domain
14 names were owned by Plaintiff Ostella and were located on Plaintiff Ostella’s
15 servers. Plaintiff Ostella would **never** give access to her servers, server accounts
16 or domain names purchased and owned by her to any third party.
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20 i. Plaintiffs OBJECT to Paragraph 9 in its entirety as it is ambiguous,
21 misleading, misstates evidence, lacks competent evidence and is completely false.
22 *See* the Declaration of Lisa Ostella. It was Defendant Orly Taitz who commenced
23 the commercial activity pertaining to T-shirt sales through a third party. Defendant
24 Orly Taitz is who set the pricing for the T-shirts as demonstrated by the Email
25 attached to Plaintiff Ostella’s Declaration. Plaintiff Ostella **never** placed any link
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1 to the sales of T-shirts on any of the ‘defendourfreedoms’ websites or blogs.
2 Plaintiff Ostella did **not** have any type of Petition drive, did **not** take in any
3 donations for sales of T-shirts or any petition drive(s), and did **not** solicit any
4 donations for anything to do with Defendant Taitz’s Company, Defend our
5 Freedoms Foundations, Inc. Objection is also based on inadmissible hearsay and
6 lack of personal knowledge.
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8
9 j. Plaintiffs OBJECT to Paragraph 10, lines 27-28 and line 1 located on
10 page 4 as ambiguous, misleading and lacks competent evidence. Objection also
11 based on inadmissible hearsay and lack of personal knowledge.
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13 k. Plaintiffs OBJECT to Paragraph 11, line 6 beginning with “At that
14 time Ostella...” as it is misleading and lacks competent evidence.
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16 l. Plaintiffs OBJECT to Paragraph 12, lines 10 and 11 “registered on my
17 behalf and on behalf of my foundation” as ambiguous, misleading, assumes facts
18 **not** in evidence, misstates the evidence, improper opinion, misquotes Plaintiff
19 Ostella and lacks competent evidence. Plaintiff Ostella purchased and owns the
20 ‘defendourfreedoms’ domain names and Plaintiff Ostella purchased the domain
21 names prior to Defendant Orly Taitz’s creating, registering and/or incorporating
22 the company name Defend our Freedoms Foundations, Inc.
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26 m. Plaintiffs OBJECT to Paragraph 13 in its entirety as ambiguous,
27 misleading, lacks competent evidence and lack of personal knowledge.
28

1 n. Plaintiffs OBJECT to Paragraph 14 in its entirety as it is ambiguous,
2 misleading, misstates evidence, assumes facts **not** in evidence and lacks competent
3 evidence.
4

5 o. Plaintiffs OBJECT to Paragraph 15 in its entirety as it is ambiguous,
6 misleading, is an improper opinion, is a conclusion and lacks competent evidence.
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8 p. Plaintiffs OBJECT to Paragraph 16 and Exhibit “4” in its entirety as it
9 is ambiguous, misleading, misstates evidence, lacks foundation, **not** supported by
10 competent evidence, inadmissible hearsay, and Exhibit “4” lacks authenticity as it
11 is an altered/forged document. *See* the Declaration of Lisa Ostella.
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13 q. Plaintiffs OBJECT to Paragraph 17 in its entirety as it is ambiguous,
14 misleading, misstates evidence, is a conclusion, an improper opinion, improper
15 speculation, assumes facts **not** in evidence and it is **not** supported by competent
16 evidence.
17

18 r. Plaintiffs OBJECT to Exhibit “5” as it is irrelevant and immaterial.
19 *See Fed. R. Evid.* 401 and 402.
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21 s. Plaintiffs OBJECT to Paragraph 18 in its entirety as it is misleading,
22 misstates evidence, assumes facts **not** in evidence, is **not** supported by competent
23 evidence, is an improper conclusion and is completely false.
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B. NOTICE of the FILING of a FALSE/ALTERED DOCUMENT; and
PERJURED TESTIMONY as GENUINE EVIDENCE

1. On or about May 24, 2011, Philip J. Berg, Esquire was contacted by Jason Q. Marasigan, Attorney for Defendant Orly Taitz, and asked to cooperate in the filing of a supplemental Joint 26(f) report. *See* Philip J. Berg's Declaration.

2. Mr. Berg stated he would review the supplemental prepared by Mr. Marasigan. *See* Philip J. Berg's Declaration.

3. On or about May 24, 2011, Mr. Berg received Mr. Marasigan's proposed supplemental Joint 26(f) report. *See* Mr. Philip J. Berg's Declaration.

4. Mr. Berg refused to cooperate with the proposed supplemental report as it contained new allegations and stories which clearly contradicted Defendant Taitz's prior statements, declarations and filings. *See* the Declaration of Philip J. Berg.

5. Mr. Marasigan responded to Mr. Berg. Mr. Berg sent a second email to Mr. Marasigan explaining the new claimed defenses and the false allegations against Plaintiff Ostella, and stated he would **not** participate in perpetrating a fraud upon the Court. *See* Mr. Berg's Declaration with the emails attached. Mr. Berg never heard back from Mr. Marasigan. In particular was the false allegations that "Plaintiffs have engaged in revisionist history in attempting to tailor their allegations to their claims..." and the false statement "Some time [sic] after the

1 blog was running, Taitz noticed that Ostella was placing commercial messages on
2 the pages, directing traffic to another website through which Ostella was selling
3 goods. When Taitz confronted Ostella about the commercial content, Ostella,
4 utilizing her position of trust and confidence as Taitz's webmaster retaliated by
5 changing the e-mail address...". Mr. Berg informed Mr. Marasigan that Orly Taitz
6 had filed numerous stories, but this was a first, and it appeared after two (2) years,
7 and a new Judge. Orly Taitz was now attempting to deceive the Court and
8 perpetrate a fraud upon the Court, which he (Mr. Berg) would **not** participate.

12 6. Knowing Defendant Orly Taitz's statements to be false and perjured,
13 Mr. Marasigan filed the Declaration of Orly Taitz where Orly Taitz claims that she
14 confronted Plaintiff Lisa Ostella regarding the sales of T-shirts, and asked for an
15 accounting of the proceeds, a copy of the contract, as Lisa Ostella created and
16 handled these sales. The truth of the matter, it was Orly Taitz who was dealing
17 with a third party regarding the sales of T-shirts and it was Orly Taitz who dealt
18 with the issues of contracts and pricing for the sales of these particular T-shirts.
19 Plaintiff Lisa Ostella **never** had any dealings with the T-shirts, and there was
20 **never** a link of Defendant Taitz's blog site to purchase any T-shirts. *See* the
21 Declaration of Lisa Ostella.

26 7. Furthermore, attached to Orly Taitz Declaration as Exhibit "4" is an
27 altered/forged document purported to be a print-screen of Plaintiff Lisa Ostella's
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1 blog site, <http://defendourfreedoms.net>. However, the document is a forged/altere
2 copy where Defendant Taitz or someone on her behalf has input the initials
3 “DOFF” to appear as if Lisa Ostella was using Defendant Orly Taitz’s business
4 name to obtain monies. Plaintiff Ostella **never** had Defend our Freedoms
5 Foundations, Inc. name or DOFF located anywhere on her blog site,
6 <http://defendourfreedoms.net>. See the Declaration of Lisa Ostella.
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9 8. The alterations/forgery of this particular document is explained with
10 Exhibits to substantiate the statements in the Declaration of Lisa Ostella. See also
11 the Declaration of Philip J. Berg, Esquire.
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13 9. Defendant Orly Taitz is attempting to obtain an unfair advantage over
14 the Plaintiffs, which should not be permitted.
15

16 10. The filing of forged/altere documents as genuine in a Federal Court
17 and perjured statements are a criminal act, as this Court is aware, and should **not**
18 be permitted.
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20 Respectfully submitted,
21

22 Dated: May 31, 2011

/s/ Philip J. Berg
Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
E-mail: philjberg@gmail.com

Attorney for Plaintiffs

Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
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**PLAINTIFFS CERTIFICATE OF
SERVICE**

I, Philip J. Berg, Esquire, hereby certify a true and correct copy of Plaintiffs
Objections to Defendant Orly Taitz's Declaration was served through the ECF filing
system and/or mail this 31st day of May 2011, upon the following:

Jason Q. Marasigan
Dack Marasigan, LLC
23041 Avenida de la Carlota, Suite 300
Laguna Hills, CA 92653
Email: jmarasigan@dacklaw.com
Served via the ECF Filing System

Attorney for Defendant, Orly Taitz, Esquire

1
2 Orly Taitz
3 26302 La Paz Ste 211
4 Mission Viejo, CA 92691
5 Ph: [\(949\) 683-5411](tel:(949)683-5411)
6 Fax: (949) 586-2082
7 Email: orly.taitz@gmail.com and
8 Email: dr_taitz@yahoo.com
9 Served via the ECF Filing System

10 *Attorney for Defendant Defend our Freedoms Foundation, Inc.*

11 The Sankey Firm, Inc.
12 2470 Stearns Street #162
13 Simi Valley, CA 93063
14 By USPS Mail with Postage fully prepaid

15 Neil Sankey
16 P.O. Box 8298
17 Mission Hills, CA 91346
18 By USPS Mail with Postage fully prepaid

19 Sankey Investigations, Inc.
20 P.O. Box 8298
21 Mission Hills, CA 91346
22 By USPS Mail with Postage fully prepaid

23 /s/ Philip J. Berg
24 Philip J. Berg, Esquire
25 Pennsylvania I.D. 9867
26 **LAW OFFICES OF PHILIP J. BERG**
27 555 Andorra Glen Court, Suite 12
28 Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
E-mail: philjberg@gmail.com